

**[DO NOT PUBLISH]**

**IN THE UNITED STATES COURT OF APPEALS**

**FOR THE ELEVENTH CIRCUIT**

\_\_\_\_\_  
**No. 04-16730**  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT DECEMBER 13, 2005 THOMAS K. KAHN CLERK
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D. C. Docket No. 03-60327-CV-MGC

JOSE BEDOYA,

Plaintiff-Appellant,

versus

HILTI, INC.,  
an Oklahoma corporation,  
qualified to do business in the State of Florida,

Defendant-Appellee.

\_\_\_\_\_  
**Appeal from the United States District Court  
for the Southern District of Florida**  
\_\_\_\_\_

**(December 13, 2005)**

**Before DUBINA and KRAVITCH, Circuit Judges and STROM\*, District  
Judge.**

\_\_\_\_\_  
\*Honorable Lyle E. Strom, United States District Judge for the District of Nebraska, sitting by designation.

PER CURIAM:

Appellant Jose Bedoya filed a complaint in federal district court alleging employment discrimination, in violation of 42 U.S.C. § 1981. In his complaint, Bedoya included claims for failure to promote, discriminatory discharge and retaliation. Hilti, Inc., moved for summary judgment contending that Bedoya's claims arose from discrimination based on national origin, not ethnicity, and as such were not actionable under section 1981. The district court agreed and granted summary judgment to Hilti on that basis. The court also denied Bedoya's Motion for Reconsideration.

After reviewing the record, reading the parties' briefs and having the benefit of oral argument, we conclude that the district court correctly found that Bedoya's evidence of discrimination was based on national origin.<sup>1</sup> Moreover, we conclude that the district court correctly denied relief on Bedoya's retaliation claim.

We also conclude that the district court did not abuse its discretion in denying Bedoya's Motion for Reconsideration.

**AFFIRMED.**

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<sup>1</sup>Alternatively, we could affirm the judgment in this case on the basis that Hilti's proffered reasons for the employment decisions were not pretextual.